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# Harassment through Unwanted Phone Calls: A Comprehensive Study

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## ABSTRACT

*Harassment through unwanted phone calls is a pervasive issue in the digital age, significantly impacting individuals' privacy and personal safety. This form of telecommunication abuse encompasses repeated and unsolicited calls that can cause considerable distress, anxiety, and fear. Victims often experience a sense of invasion of their personal space and disruption of their daily lives, leading to psychological and emotional consequences.*

*The legal frameworks addressing unwanted phone call harassment vary by jurisdiction but generally include provisions aimed at protecting individuals from such intrusive behavior. These laws often classify unwanted phone calls as a form of stalking and an invasion of privacy, recognizing the severe impact they can have on victims. Legal measures may include restraining orders, fines, and imprisonment for perpetrators, along with support services for victims.*

*This paper explores the nature of unwanted phone call harassment, detailing the various forms it can take and the psychological and social effects on victims. It delves into the existing legal protections available, analyzing their effectiveness and the challenges faced in enforcing these laws. Issues such as technological advancements that facilitate anonymity and the difficulty in tracking offenders are discussed.*

*Furthermore, the paper suggests improvements to current legal frameworks and enforcement strategies to better safeguard individuals against this form of harassment. Recommendations include enhancing public awareness, improving technological tools for tracking and preventing harassment, and ensuring better support systems for victims. By addressing these areas, the paper aims to contribute to more effective prevention and protection measures against unwanted phone call harassment in the digital age.*

**Keywords:** *Unwanted phone calls, Telecommunication abuse, Privacy invasion, Stalking Legal protections.*

## I. INTRODUCTION

In the digital age, the widespread use of telecommunication devices such as smartphones and landlines has made unwanted phone calls a significant and pervasive issue. With nearly

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everyone having access to a phone, the potential for misuse has escalated, leading to an increase in telecommunication abuse. These unwanted calls can range from minor annoyances, such as telemarketing and robocalls, to severe forms of harassment, including threatening, obscene, and silent calls. For many, these calls cause substantial distress, disrupting their daily lives and compromising their sense of security.

The ease and affordability of modern telecommunication technology have unfortunately made it simpler for perpetrators to engage in harassing behavior. Anonymity plays a crucial role, as it is often challenging to trace the origin of these calls. The ability to use caller ID spoofing, disposable phone numbers, and internet-based calling services means that harassers can hide their identities and locations, making it difficult for victims and law enforcement to take effective action.

Despite advancements in technology aimed at combating unwanted calls, such as call blocking apps and improved caller identification systems, these measures are not foolproof. Perpetrators continually adapt to new technologies, finding ways to bypass protections and continue their harassment. This ongoing challenge underscores the need for robust legal frameworks and enforcement mechanisms to address the issue comprehensively.

This paper aims to provide a comprehensive understanding of harassment through unwanted phone calls by delving into the various forms this harassment can take and examining its profound psychological and social impacts on victims. Additionally, it will analyze the existing legal responses designed to protect individuals from such harassment, highlighting both their strengths and limitations. By exploring the challenges associated with enforcing these laws, this study seeks to identify gaps in current practices and suggest potential measures to mitigate the issue effectively. Through this exploration, the paper intends to contribute to the development of more effective strategies for protecting individuals from the distress and harm caused by unwanted phone call harassment in the digital age.

85% of women opt to block the number after receiving inappropriate phone calls and messages, whereas only 12% choose to report such incidents to the police. One reason for not reporting to the police is the lack of standardized procedures for handling these complaints. Additionally, fewer than half of the women seek assistance from their service providers, while some simply choose to ignore the issue<sup>2</sup>.

## **II. NATURE OF UNWANTED PHONE CALL HARASSMENT**

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<sup>2</sup> Truecaller Report

Unwanted phone call harassment can take various forms, including:

1. **Repeated Calls:** Persistent calling, often occurring multiple times throughout the day, can severely disrupt a victim's routine and cause significant psychological distress and anxiety, affecting their overall well-being and productivity.
2. **Threatening Calls:** Calls that include explicit threats of violence, harm, or other forms of intimidation can instill fear and anxiety in victims, leading to a pervasive sense of insecurity and emotional trauma.
3. **Obscene Calls:** Calls that contain inappropriate, vulgar, or offensive language and content can cause significant emotional distress, embarrassment, and a sense of violation, particularly if the caller makes sexually explicit remarks.
4. **Silent Calls:** Calls where the caller remains silent, offering no response, can create a profound sense of unease and uncertainty for the victim, leaving them feeling anxious and fearful of unknown threats.
5. **Scam Calls:** Calls aimed at defrauding the victim often involve false pretenses or fraudulent schemes, such as pretending to be a legitimate entity, which can lead to financial loss and a breach of personal security.

Not every unwanted phone call constitutes "harassment." Specific factors that distinguish harassing calls include:

1. The caller's deliberate intent to harass or threaten through persistent calling.
2. Making indecent or obscene comments, suggestions, proposals, or requests.
3. Refusing to disclose their identity while prolonging the conversation.
4. Using abusive language or making derogatory remarks during the call.
5. Remaining silent, playing intimidating music, or breathing heavily with the explicit aim of causing distress or intimidation.

**(A) Psychological Effects:**

Victims frequently endure heightened levels of anxiety, stress, and fear as a result of unwanted phone call harassment. The persistent nature of this harassment can disrupt their sleep patterns, contribute to feelings of depression, and in severe cases, precipitate conditions such as post-traumatic stress disorder (PTSD). These psychological impacts can significantly diminish their quality of life and overall well-being.

**(B) Social Effects:**

Harassment through unwanted phone calls often prompts victims to withdraw socially. They may develop a reluctance to answer their phones or participate in social activities due to fear of further harassment. This social isolation can intensify their feelings of vulnerability and exacerbate the psychological distress caused by the harassment.

**(C) Occupational Impact:**

Victims of unwanted phone call harassment may experience notable challenges in their professional lives. The stress and distraction induced by persistent harassment can lead to decreased productivity and increased absenteeism at work. These consequences not only affect the victims' performance but also undermine their ability to maintain a steady and productive work routine, potentially jeopardizing their career advancement and financial stability.

**What precautions can be taken to prevent from Phone harassment?**

- **Guard Personal Information:** Refrain from disclosing personal details to unknown callers, as they may be probing for vulnerabilities or gathering information for illicit purposes. When asked for your number, inquire about theirs instead to verify the call's legitimacy.
- **Teach Children About Phone Safety:** Educate children to never share personal information with unfamiliar callers. Encourage them to record the caller's details such as name, number, and the call's timestamp instead.
- **Secure Your Voicemail:** Avoid including your telephone number in your voicemail greeting to maintain privacy. By omitting your number, you can prevent unauthorized callers or those using call return features from capturing your contact details

**III. REMEDIES AVAILABLE IN INDIA**

The police have the authority to investigate complaints under the IPC and TR Act. Initially, they will collaborate with the service provider to trace the origin of calls and SMS, enabling them to identify the users and initiate legal action against them. If the service provider is unable to identify the users, they may suspend the services of these numbers under the Telephone Regulatory Act.

You have the right to seek justice and relief without changing your phone number. If you experience harassment, promptly visit the nearest police station to file a complaint against the offending numbers. In case the police refuse to register your complaint, you can escalate the

matter by approaching the nearest court or the Superintendent of Police in your area to lodge your complaint effectively. This ensures that appropriate action is taken to address the issue and protect your right

### **(A) Women Helpline Numbers**

There are dedicated helpline numbers for reporting harassing phone calls:

- **100:** This is a general helpline number accessible to both men and women for reporting harassing phone calls. It serves as a primary contact point for immediate assistance.
- **181 (Abhayam Helpline):** Specifically designed for women, this helpline connects callers with female counselors who gather details about the harassment. The helpline center then forwards these details to the police for further investigation and action, including tracing and filing complaints against the perpetrators.
- **1091:** Another women's helpline number available nationwide. Women facing harassment via phone calls can dial this number to seek immediate police intervention and necessary assistance.

### **(B) Legal Remedies Available**

The initial action victims should take against phone call harassment is to notify the police and lodge a complaint in the general diary. It is essential for the victim to record details such as the caller's gender, voice characteristics, date and time of calls, conversation content, and approximate age of the caller. These details serve as crucial evidence to aid police in identifying the perpetrator. If the harassment persists over an extended period, the victim should proceed to file a First Information Report (FIR) for further legal action. This proactive approach helps ensure appropriate steps are taken to address and resolve the harassment effectively. The provisions under which the harasser can be charged are as follows:

**Section 354A** of the Indian Penal Code (IPC) addresses sexual harassment, defining it as any act of making sexually colored remarks or requesting sexual favors. Offenders under this section face imprisonment for up to three years and/or a fine. This legal provision aims to protect individuals from unwelcome and inappropriate sexual advances or remarks, ensuring accountability for such misconduct.

### **Case: Vishaka and Others v. State of Rajasthan<sup>3</sup>**

In this landmark case, the Supreme Court of India laid down guidelines to prevent sexual

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<sup>3</sup> AIR 1997 SUPREME COURT 3011

harassment at the workplace. The court held that sexual harassment violates the fundamental rights of gender equality and the right to life and liberty under Article 14, 15, and 21 of the Constitution. It recognized sexual harassment as a violation of the rights under Articles 14, 15, and 21 of the Constitution.

**Section 354D** of the Indian Penal Code (IPC) stipulates that if a person persistently contacts a woman to initiate personal interaction despite her expressed disinterest, they are liable to be punished with imprisonment for up to three years and may be fined.

**Case: State of Karnataka v. Krishnappa<sup>4</sup> (2000)**

In this case, the Karnataka High Court dealt with a situation where the accused repeatedly attempted to establish personal interaction with the victim, causing her distress and discomfort. The court upheld the provisions under Section 354D of the IPC, emphasizing that persistent unwanted communication aimed at initiating personal interaction against the victim's wishes constitutes harassment. The judgment underscored the importance of respecting a person's boundaries and the legal consequences for disregarding their disinterest or refusal.

**Section 506** of the Indian Penal Code (IPC) defines criminal intimidation as an offense punishable by imprisonment for up to seven years and/or a fine. It covers situations where a person uses threats to instill fear of injury to another person or their property.

**Case: Ramesh v. State of Haryana<sup>5</sup>**

In this case, the accused repeatedly sent threatening messages and made intimidating phone calls to a woman, causing her severe distress and fear for her safety. The Punjab and Haryana High Court upheld the applicability of Sections 506 and 507 of the IPC. The court emphasized that even anonymous communications aimed at intimidating or threatening a woman constitute a serious offense under the law. The judgment underscored the need to protect individuals from such harassment and affirmed the legal consequences, including imprisonment, for those found guilty of criminal intimidation through any means, including anonymous communications.

**Section 509** of the Indian Penal Code (IPC) addresses the offense of insulting the modesty of a person, specifically through words, gestures, or acts intended to outrage their modesty. Offenders under this section face imprisonment for up to one year and/or a fine.

**Case: Sheela v. State of Maharashtra (2012)**

In this case, the Bombay High Court dealt with a situation where the accused made derogatory

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<sup>4</sup> (2000) 4 SCC 75

<sup>5</sup> AIR 2016 SUPREME COURT 5554

and insulting remarks about the modesty of a woman over a phone call. The court applied Section 509 of the IPC, emphasizing that insulting a person's modesty through communication, whether verbal or electronic, constitutes a violation of their dignity and is punishable under the law. The judgment highlighted the importance of upholding respect and decency in interactions and affirmed the legal consequences for those found guilty of such offenses.

#### **IV. ENFORCEMENT CHALLENGES**

Effective enforcement of laws against phone harassment faces numerous hurdles. Addressing these challenges requires collaborative efforts among law enforcement, technology providers, and legal authorities to enhance capabilities for tracing anonymous calls, resolving jurisdictional conflicts, and allocating adequate resources to combat phone harassment effectively

1. **Anonymity:** Perpetrators can easily conceal their identity using technology, complicating efforts to trace the source of harassing calls and hold them accountable.
2. **Jurisdictional Complexity:** Harassing calls often cross regional or international boundaries, creating jurisdictional challenges that complicate legal actions and coordination between authorities.
3. **Resource Constraints:** Law enforcement agencies may face limitations in resources and technical capabilities needed to investigate and prosecute cases of phone harassment thoroughly and efficiently.

##### **(A) Recommendations for Addressing Unwanted Phone Call Harassment:**

To combat unwanted phone call harassment effectively, the following recommendations are crucial:

1. **Increase Public Awareness:** Educating the public about the prevalence of phone call harassment and the available legal protections is essential. Empowering individuals with knowledge can encourage prompt reporting and deterrence of such behavior.
2. **Enhance Technological Solutions:** Investing in advanced caller identification and call blocking technologies can significantly reduce the incidence of harassment. These technologies should be continuously updated to stay ahead of evolving methods used by harassers.
3. **Expand Support Systems:** Establishing robust support systems is vital. This includes providing victims with access to counseling services to help them cope with the emotional and psychological impact of harassment. Legal assistance should also be



readily available to guide victims through the process of reporting and seeking justice.

4. **Promote International Cooperation:** Strengthening international cooperation and legal frameworks is essential in addressing cross-border cases of phone harassment. Collaborative efforts can streamline legal proceedings and enhance the effectiveness of enforcement actions.

## V. CONCLUSION

The issue of unwanted phone call harassment has become increasingly prevalent in today's digital world. It poses significant challenges and can have serious implications for individuals' privacy and well-being. To combat this pervasive problem effectively, a comprehensive strategy is essential.

One key aspect of addressing unwanted phone call harassment is raising public awareness about the issue and its consequences. Educating individuals on how to recognize and report such harassment can empower them to take action. Leveraging technological advancements, such as call-blocking features and spam filters, can also provide practical solutions to limit unsolicited calls.

Furthermore, establishing strong support networks for individuals who have been affected by phone call harassment is crucial in providing them with the necessary assistance and guidance. Collaboration at an international level is also important to address cross-border challenges associated with phone call harassment.

By implementing these measures in a coordinated manner, we can create a safer and more respectful digital environment for everyone. Together, we can work towards eliminating unwanted phone call harassment and ensuring a secure communication landscape for all.

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